

REMARKS

Claims 5 and 6, and therefore claims 7 and 8 dependent thereon, have been amended to read on a colony of living cells. It is believed that by using the word “colony,” Applicants confirm that the cells are all of the same heritage. Therefore, the ambiguity noted by the Office, it is believed, is overcome. Claims 9-18, which are directed to methods, have been amended to conform their wording to the revisions of claim 6.

In addition, claim 13 has been corrected to add an antecedent basis for “the second sample.”

Claims 14-16 have also been revised so that the evaluation for a particular characteristic or activity is made an active step.

Claims 19-24 and 26-27 have also been amended to make clear that the rates of proliferation are correlated to the rate of increase in intensity of the fluorescence or emitted light. This is believed to supply the active step that the Office believes is not present.

With these amendments, it is believed that all of the rejections under 35 U.S.C. § 112, paragraph 2 have been met. Should the Office wish to propose Examiner’s amendments to improve claim wording, such suggestions would be welcome. Under these circumstances, a telephone call to the undersigned is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 312762003800.

Dated: November 24, 2004

Respectfully submitted,

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